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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Uruguay*

A. General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on the steps taken to ensure full implementation of the most recent concluding observations of the Committee (CCPR/C/URY/CO/5), including statistical data and details of the mechanisms in place to oversee the action taken pursuant to the most recent recommendations. Please provide information on the steps taken to ensure civil society participation in the Recommendation Monitoring System established in 2016 and to provide the System with the human and financial resources it needs to function satisfactorily. In addition, please report on the implementation of the inter-institutional network also set up in 2016 for the preparation of reports and follow-up on action taken pursuant to recommendations and observations concerning human rights. Please report on any other significant developments that have occurred since the issuance of the Committee's most recent concluding observations in the judicial and institutional systems regarding the promotion and protection of human rights at the national level, including examples of the application of the Covenant by the courts.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including follow-up on the Committee's previous recommendations

Constitutional and judicial framework for the implementation of the Covenant (arts. 1, 2 and 4)

2. In the light of the Committee's latest concluding observations (CCPR/C/URY/CO/5, para. 5), please report on the steps taken to ensure full compliance with the Views adopted by the Committee under the Optional Protocol, particularly in the case of *Peirano Basso v. Uruguay* (communication No. 1887/2009). Please also provide information on how the Views are applied in the national legal system and describe the steps taken to make the contents of the Covenant known to judges, prosecutors, lawyers and the general public.

3. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 6), please describe the measures adopted to ensure that the provisions set out in the Uruguayan legal order and in the Constitution relating to states of emergency are in compliance with article 4 of the Covenant, in particular the principle of exceptional threat and the non-derogability of the fundamental rights referred to in paragraph 2 of that article.

* Adopted by the Committee at its 122nd session (12 March–6 April 2018).

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4. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 7) and the second addendum on the State party's follow-up to the concluding observations (CCPR/C/URY/CO/5/Add.2, paras. 1 to 25), please provide updated information on the steps taken to ensure that the National Human Rights institution and Ombudsman's Office has the financial, human and material resources that it needs to do its job effectively on a fully independent basis, including the work it performs in fulfilment of its role as the national mechanism for the prevention of torture. Please provide updated annual information on the Institution's work and on the number of visits and other activities carried out by the national mechanism for the prevention of torture, including with regard to the System of Adolescent Criminal Liability and the training provided to its staff since its establishment.

Non-discrimination and the rights of minorities (arts. 2, 3, 16, 25, 26 and 27)

5. Please indicate whether the State party has a judicial framework regarding the prohibition of discrimination on various grounds and describe the steps taken, in accordance with article 2 of the Covenant, to ensure that no one is subjected to discrimination in the State party. In that connection, please describe the measures adopted to:

(a) Combat racial discrimination and persistent structural discrimination against persons of African descent, in particular women, in the spheres of education, labour, health and public life, including affirmative action measures in the private sector. Please also provide information on the progress made towards the adoption of a national plan against racism and discrimination, and on the areas of authority and functions of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination;

(b) Combat stereotypes, prejudice and discrimination against indigenous peoples and promote the historical and cultural heritage of these peoples, including by means of the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

6. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 22), kindly indicate what steps have been taken to ensure that mechanisms are in place to provide access to justice and to administrative bodies for all members of vulnerable groups, including persons of indigenous origin, persons of African descent, persons with disabilities and migrant workers, and to ensure that they are not subjected to any form of discrimination in that respect. Please provide information on the steps taken to ensure that all instances of discrimination are investigated effectively and that victims have effective access to justice and receive full redress. Please also report on the training provided to public officials concerning non-discrimination and on any campaigns that have been conducted in order to provide the general public with information on non-discrimination, including information on victims' access to the justice system. Please also provide information on the steps taken to ensure freedom of religion in the State party, including measures to promote respect for, and awareness of, minority religions.

Sexual orientation and gender identity (arts. 6, 7, 17 and 26)

7. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 12), please describe the steps taken to:

(a) Combat discrimination and incitement to hatred against lesbian, gay, bisexual, transgender and intersex persons, including children, and ensure that they have access to health services;

(b) Protect such persons and ensure that any and all acts of violence motivated by a person's sexual orientation or gender identity are investigated and that the perpetrators of such acts are prosecuted and punished appropriately;

(c) Guarantee transsexual persons' right to an identity;

(d) Address the issue of the performance of so-called "normalization" surgery upon intersex persons.

Equality between men and women (arts. 2, 3, 25 and 26)

8. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 10), please describe the steps taken to do away with gender stereotypes, including any legislation that has been adopted to amend or repeal legal provisions that are discriminatory against women and any awareness-raising campaigns that have been conducted. In addition, please provide information on the steps taken, including the adoption of affirmative action measures, to increase the participation of women, including indigenous women and women of African descent, in public life at all levels of the State, including the justice system, and their presence in leadership and decision-making positions in both the public and private sectors.

Violence against women (arts. 3, 6, 7, 14, 17 and 26)

9. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 15), please provide detailed statistics on the number of complaints filed, investigations carried out, prosecutions conducted, judgments handed down and measures of redress granted for victims of violence against women, including women of African descent and women with disabilities. Kindly also report on the measures adopted, in law and in practice, to combat violence against women and to ensure that all acts of violence against women are investigated effectively and that victims, including victims of sexual violence committed during the de facto regime in power between 1973 and 1985, have effective access to justice and receive full redress. Please indicate what steps have been taken to improve coordination among the agencies responsible for preventing this type of violence and punishing the perpetrators in order to increase their effectiveness. Please also provide information on the comprehensive bill for guaranteeing a life free of gender-based violence and on the 2016–2019 Plan of Action for a Life Free of Gender-based Violence. Please also provide up-to-date statistics on the number of femicides in the State party and information on the implementation of the bill on acts of discrimination and femicide, which was adopted in September 2017 and amends article 312 of the Criminal Code.

Voluntary termination of pregnancy and reproductive rights (arts. 2, 3, 6, 7, 17 and 26)

10. Kindly report on the legislative measures adopted to provide safe access for women and girls — including those who do not have Uruguayan nationality and those who have not resided in the State party for a year or more — to a procedure for the voluntary termination of pregnancy, including in cases of conscientious objection on the part of medical personnel. Please also report on the steps taken to ensure access to information on sexual and reproductive health and to sexual and reproductive health services, including for persons with disabilities and persons residing in rural areas. Please describe the steps taken to reduce the currently high rates of teenage pregnancy, particularly among women of African descent and women residing in rural and underprivileged areas.

Right to life and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 7, 9, 10, 14 and 17)

11. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 14), kindly indicate what legislative measures have been adopted to classify all acts of torture as criminal offences. Please also describe the measures adopted to prevent torture and other cruel, inhuman or degrading treatment of persons deprived of their liberty, particularly in centres where persons with disabilities are housed, police stations and prisons, including juvenile detention facilities, and the steps taken to exercise oversight in this respect and to punish the perpetrators of such acts. In that connection, please provide information on the solitary confinement regime, explain how it is compatible with article 10 of the Covenant and furnish statistics indicating the number of persons currently subject to this regime. Please also provide statistics indicating the number of complaints filed, investigations carried out, trials conducted, convictions handed down and punishments imposed concerning cases of torture or ill-treatment, and the redress provided to victims. In addition, please report on the training programmes regarding cases of torture and ill-

treatment attended by law enforcement officers, prison staff, judges, prosecutors and forensic physicians.

12. Please discuss the steps taken to prevent the use of excessive force by law enforcement and security personnel. Kindly furnish data on the number of complaints filed in this connection, the investigations carried out, the judgments handed down, the penalties imposed and the protective measures and redress provided for victims. Please describe the legal standard applied by the State in respect of the use of force and explain how the State party's laws, policies and practices are aligned with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please provide information on the measures taken to ensure that the use of force by private security personnel is in line with these standards and with the State party's obligations under the Covenant.

Elimination of human trafficking, slavery and servitude (arts. 7, 8, 14 and 24)

13. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 16), please describe the steps taken to prevent and eradicate trafficking in persons, particularly women and children, and ensure that all reports of human trafficking are investigated effectively and that victims have effective access to justice and receive suitable assistance free of charge as well as full redress, including rehabilitation. Please describe the mechanisms in place to ensure that trafficking victims are correctly identified and that persons in need of international protection are referred to the asylum system. Please also furnish statistics on trafficking victims, disaggregated by sex, age, ethnic origin and country of origin. Kindly report on the steps taken to prevent the exploitation of migrant workers, particularly women working in the domestic service sector who are subjected to abusive working conditions, and to ensure that they have access to effective legal protection.

Persons deprived of their liberty and conditions of detention (arts. 2, 6, 7, 9, 10 and 14)

14. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, paras. 8 and 9) and the second addendum on the State party's follow-up to the concluding observations (CCPR/C/URY/CO/5/Add.2, paras. 26 to 34), kindly indicate what progress has been made in preparing for the entry into force of the new Code of Criminal Procedure. Please also describe the measures adopted to ensure that the provisions in Uruguayan law concerning pretrial detention, including those contained in the new Code of Criminal Procedure and the amendments to the Code on Children and Adolescents, are in accordance with articles 9 and 10 of the Covenant.

15. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 9), please provide information on the steps taken to reduce overcrowding and improve conditions in prisons and other detention centres, including juvenile detention centres, centres where asylum seekers are held and women's prisons, in particular those that house mothers with their children, especially in Unit 5. In that connection, kindly indicate what steps have been taken to ensure the widespread application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please also report on the steps taken to ensure that the rule according to which persons on trial must be held separately from convicted inmates is strictly applied and to combat violence in places of detention. In addition, please furnish disaggregated statistics on the number of persons deprived of their liberty, the number of inmates who have died in places of detention, the causes of death in those cases, the investigations conducted into those deaths and their outcomes. Please describe the steps taken to facilitate the rehabilitation of persons deprived of their liberty and their reintegration into society and to improve the working conditions of security personnel; please include information on the human and financial resources made available for that purpose.

Right to a fair trial (arts. 2 and 14)

16. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 17), please report on the steps taken to ensure that the remedy of *amparo* is effectively available as a means of rectifying violations of Covenant rights. Please describe the steps taken to make sure that criminal proceedings initiated prior to the entry into force of the

new Code of Criminal Procedure are conducted in accordance with applicable international standards regarding due process and a fair trial.

The fight against impunity and redress for the serious human rights violations committed during the dictatorship (arts. 2, 6, 7, 9 and 14)

17. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 19) and the second addendum on the State party's follow-up to the concluding observations (CCPR/C/URY/CO/5/Add.2, paras. 35 to 44), please report on the legislative measures adopted to ensure that crimes against humanity, including acts of torture, arbitrary or extrajudicial killings and enforced disappearances, are not subject to any statute of limitation, amnesty or immunity, in particular with respect to derogation from articles 2 and 3 of Act No. 18831, and explain how such a derogation would be compatible with the Covenant. Please describe the steps taken to ensure that crimes against humanity committed between 1973 and 1985 are investigated effectively and that victims have effective access to justice and receive full redress. In that connection, please furnish updated information on the number of cases that have been investigated, the suspected perpetrators, the number and type of judgments handed down, the sentences imposed on the guilty parties and the redress provided to victims. Please also provide information on the measures taken to search for disappeared persons and to clarify their fate. Kindly also report on the conclusions reached by the Working Group for Truth and Justice regarding the investigation of crimes against humanity committed between 1968 and 1985.

Migrants, refugees, stateless persons and asylum seekers (arts. 2, 3, 14, 16 and 23 to 26)

18. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 13), please describe the steps taken to ensure that protection and humanitarian assistance are provided to asylum seekers, refugees and stateless persons, including women, unaccompanied minors and victims of torture or trauma. In that connection, please furnish updated statistics on the number of asylum seekers, refugees and stateless persons in the State party and on the efforts made to reduce the backlog of asylum applications. Please report on the steps taken to ensure the full integration and participation in society of migrants, including returning Uruguayan migrants, refugees and asylum seekers. Please also provide information on the steps taken to combat discrimination against migrants, asylum seekers and refugees. In addition, please describe the steps taken to ensure access to documentation for migrants, including Uruguayan migrants and stateless persons, and to ensure their access to health care, housing, education and employment. Please also report on the steps taken to make sure that Uruguayan migrant workers and other citizens living abroad have the right to vote. Please also report on the measures taken to implement a statelessness determination procedure to ensure the protection of stateless persons who are not refugees, and to codify in domestic legislation the standards of protection guaranteed in the 1954 Convention relating to the Status of Stateless Persons.

Right to privacy (art. 17)

19. Please report on the investigations conducted into reports that, from the time of the dictatorship until at least 2009, the intelligence services of the armed forces illegally spied on political figures, political parties, trade unions, journalists, judges, prosecutors and community organizations.

Freedom of expression and association, and violence against human rights defenders and journalists (arts. 7, 19, 21 and 22)

20. Please describe the steps taken to protect journalists, the media and human rights defenders, including judges, prosecutors and other persons who have been involved in processing court cases, in particular cases concerning the serious human rights violations committed during the dictatorship. Please also report on the steps taken to uphold the right of association, particularly with respect to the adoption of Decree No. 76/2017 of March 2017.

21. Kindly report on the status of the implementation of the Audiovisual Communications Services Act (No. 19307) and on the steps taken to enforce the regulations on the accessibility of official television programmes.

Rights of the child (arts. 3, 7, 10, 23 and 24)

22. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 11), please report on the adoption of legislative measures to raise the minimum age of marriage for both spouses from 16 to 18 years in accordance with international standards, and on the steps taken to prevent marriage among young and adolescent girls, particularly in rural areas.

23. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 18), please provide information on the outcome of investigations into the alleged sexual abuse of minors by officials of the Uruguayan Institute for Children and Adolescents and on the outcome of investigations into other cases of child abuse in institutional settings. Please also report on the steps taken to combat the exploitation and sexual abuse of minors and to ensure that all reports of such acts are investigated effectively and that victims have effective access to justice and receive full redress. Please furnish suitable statistics on these matters. Kindly also indicate what steps have been taken to combat violence against children, including domestic violence and corporal punishment.

24. Please also report on the steps taken to prevent the abandonment of children with disabilities and on the adoption of measures that provide alternatives to the institutionalization of minors.

25. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 21), please report on the steps taken to combat child labour and child poverty and to address the situation of street children and the outcomes to which that situation leads. Please also report on public awareness-raising campaigns concerning the rights of the child.

Persons with disabilities

26. Please describe the steps taken to combat discrimination, prejudice and negative stereotypes against persons with disabilities, including in legislation, policies and public programmes and in the areas of public- and private-sector employment and accessibility. Please also describe the measures taken to ensure their effective access to basic services and to promote their participation in public and political life. Please provide information on the measures taken to make sure that persons with disabilities have the right to vote. Please explain the compatibility with the Covenant of various laws in the State party that discriminate against, and restrict the legal capacity of, persons with disabilities, in particular articles 37 and 80 of the Constitution and Act No. 17535 of 2002 on persons subject to general guardianship, amending the Civil Code. Please also describe the measures adopted to ensure that domestic legal provisions on the deprivation of liberty of persons with disabilities are compatible with the provisions of articles 9 and 10 of the Covenant.